

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEVIN GANS,)	
)	
Plaintiff,)	Civil Action No. 06-62J
)	
v.)	Judge Gibson
)	Magistrate Judge Caiazza
GERALD L. ROZUM, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Kevin Gans' complaint pursuant to 42 U.S.C. §1983 was received by the Court on March 14, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 20, 2007, recommended that the Defendants' Motion to Dismiss or in the Alternative for Summary Judgment be granted. The parties were allowed ten days from the date of service to file objections. The Plaintiff filed Objections on August 8, 2007 (Doc. 59).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections filed, the following order is entered:

AND NOW, this 31st day of August, 2007,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss or in the Alternative for Summary Judgment (Doc. 40) are GRANTED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 58), dated July 20, 2007, is adopted as the opinion of the court.

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with some capitalization.

Kim R. Gibson
U.S. District Court Judge

cc:
KEVIN GANS AF-5073
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510